IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.1480 OF 1999
IN
SUMMARY SUIT NO.3134 OF 1999

Rajasaheb R.Mohata ..Plaintiffs

Vs.

Innovative Print Forms Ltd. ..Defendants

Mr.A.G.Damle for the plaintiffs

Mr.M.L.Chaturvedi for defendnat no.7 and 9

Mr.Himanshu Kode i/b Y.P.Yagnik for defendant no.1 to 4

CORAM : S.U.KAMDAR, J
DATED : 21ST SEPTEMBER, 2005

P.C.:

1. The present suit is filed for the recovery of sum of Rs.18,90,854/-. It is the case of the plaintiff that under the written agreement which is at Ex.A to the plaint dt.3.4.96 the Plaintiffs have paid Rs.25 lacs after giving credit to the payments received from defendants. Plaintiffs have filed present suit for balance amount of Rs.18,90,854/-. The learned counsel for plaintiff states that after filing of suit out of the amount outstanding they have received Rs.4,99,500/-. There is dispute as

to the rate of interest. As far as defendant no.6 to 9 are concerned they are disputing the signature on the said document and states that signature is false. In view thereof, unconditional leave to defend is granted.

2. As far as defendant no.1 to 5 are concerned they are liable to make payment of aforesaid amount. The learned counsel for the defendant has not raised any defence in the present suit. In that view of the matter, I direct the defendant no.1 to 5 to deposit a sum of Rs.12 lacs within 4 weeks failing which plaintiffs will be entitled to decree as against defendant no.1 to 5. If the said amount is deposited the Prothonotary and Senior Master is directed to invest the same in any Nationalised Bank in Fixed Deposit initially for a period of 3 years and then renew the same from time to time till further orders of this court. If the amount is deposited then suit is to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today as far as defendants other than defendant no.1 to 5 are concerned. Defendant

no.1 to 5 to file Written Statement within 4 weeks from the date of deposit. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.